

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.5672 OF 2005

1. Rishikesh Mohan Deshmukh.
2. Prashant Bhimrao Deshmukh.
3. Dadasaheb Suresh Khandare.
4. Sambhaji Raosaheb Deshmukh. ... Applicants.
Versus.
The State of Maharashtra. ... Respondent.

Shri Nitin Pradhan with Ms.S.D.Khot and A.Kuttikrishnan
for the Applicants.

Ms.M.M.Deshmukh for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 9th Sept., 2005.

P.C.:

1. Heard the learned Counsel appearing for the Applicant and the learned A.P.P. for the State. The offence registered against the Applicants and other co-accused is under sections 143, 147, 148, 149, 307 and 506 and sections 3 and 25 of the Arms Act.

2. The learned Counsel for the Applicant pointed out that except for the Applicant No.1 no specific role has been ascribed to any of the other Applicants as regards the assault. The role ascribed to the Applicant No.1 is assault by using a knife on the hands and legs of the first informant. He submitted that now the charge sheet has been filed and therefore, the Applicants deserve to be enlarged on bail.

3. The learned A.P.P. pointed out that when the application was made by the Applicant before the Sessions Court though the investigation was substantially completed, charge sheet was not filed. She pointed out that the co-accused are released on bail on different grounds and the Applicants cannot claim parity. The learned A.P.P. has placed on record copies of the documents produced along with charge sheet. The learned A.P.P. submitted that no case is made out for grant of bail.

4. A perusal of the F.I.R. and the statements of the other witnesses shows that no specific role has been ascribed to the Applicants Nos.2 to 4 in the assault on the first informant. The role ascribed to the Applicant No.1 is that he assaulted the first informant by a knife on his hand and leg. The main allegation of assault seems to be against two co-accused who were carrying revolver and the other two co-accused carrying swords. It is pertinent to note that no recovery has been made at the instance of the Applicant No.1. The Applicants have been arrested on 31st May 2005. Considering the fact that the charge sheet is filed and considering the aforesaid circumstances, a case is made out for enlarging the Applicants on bail.

5. Hence the following order is passed:

- (i) The Applicants shall be enlarged on bail in connection with C.R.No.53 of 2005 registered at Atpadi Police Station, Sangli, subject to furnishing a personal bond of Rs.10,000/- each with one or two sureties.
- (ii) Bail is granted subject to the condition that the Applicants will report to the concerned Police Station on every Sunday till conclusion of trial.
- (iii) The Bail is granted subject to condition that the Applicants shall not, directly or indirectly, make any inducement or threat to any prosecution witnesses and shall not in any manner tamper with prosecution evidence.
- (iv) The Applicants shall cooperate with the learned Trial Judge for expeditious disposal of the trial. Any attempt by the Applicants to delay the trial may be a ground for cancellation of bail.
- (v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of

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the case at the time of trial.

(vi) Application is disposed of in above terms.

Judge.